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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,532	12/03/2003	Paul Martyn Kane	14723.0001	3210
7590 09/26/2007				
D. Douglas Price		EXAMINER		
Steptoe & Johnson LLP		AVELLINO, JOSEPH E		
1330 Connecticut Avenue, N.W.				
Washington, DC 20036				
		ART UNIT	PAPER NUMBER	
		2143		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/725,532

Applicant(s)

KANE ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 13-23 are presented for examination; claims 13 and 19 independent. The Office acknowledges the cancellation of claims 1-12.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 14, 16, 18-20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Risley et al. (USPN 6,332,158) (hereinafter Risley).

3. Referring to claim 13, Risley discloses a method for responding to a query for a computer network address corresponding to a request name (i.e. URL), said method comprising:

searching a database for a network address corresponding to a request name (Figure 4, ref. 348);

if the search locates a network address corresponding to the requested name, responding to the query with the network address corresponding to the requested name (col. 5, lines 1-15);

if the search does not locate a network address, initiating a process that (i) tests the query for information about the nature of the address being sought (i.e. determine valid likely domain names that the user may have intended) (col. 9, lines 20-30), and (ii) responds to the request with a referral response identifying an alternate network address selected in accordance with the results of the tests (i.e. based on the valid likely domains intended, generate a web page based on the spell checking done by the server, and then returns the web page to the client complete with all the likely domains intended) (col. 9, lines 10-45).

4. Referring to claim 14, Risley discloses the referral response identifies a network address for a web site that assists the user in identifying a desired address (i.e. the referral response is for the generated web page as shown in Figure 5, complete with all the likely intended responses for the requested name) (Figure 5; col. 9, lines 20-35);

5. Referring to claim 16, Risley discloses the referral response identifies a network address for a web site that offers a service to a user (i.e. the web page shown in Figure 5 provides a service to a user) (Figure 5).

6. Referring to claim 18, Risley discloses steps (a) and (b) are performed on a first server, and step (c) is performed on a second server (col. 9, lines 35-45).

7. Claims 19, 20, 22, and 23 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 15, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risley.

10. Referring to claim 15, Risley discloses the invention substantively as described in claim 13. Risley does not expressly disclose prompting the user for different spellings of the requested resource, however even in the prior art system, if a URL is misspelled, it will return an error, indicating that the user's request is invalid, thereby requiring a user to respell the URL. By this rationale, "Official Notice" is taken that both the concepts and advantages of providing for prompting a user for different spellings of the requested name is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Risley to prompt the user for different spellings of the domain in order to expand the spell-checking features of the system of Risley, thereby providing the ability to learn particular spellings for a misspelled name (i.e. adding names to a dictionary, etc.).

11. Referring to claim 17, Risley disclose the invention substantively as described in claim 13. Risley does not expressly disclose having a user purchase a domain name, however this feature is well known in the art. "Official Notice" is taken that both the

Art Unit: 2143

concepts and advantages of providing for allowing a user to purchase a domain name as a response to a DNS query is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Risley to allow a user to purchase a domain name in order to permit a user to obtain the rights to a domain name, thereby providing revenue for the DNS operator and the website operators.

12. Claim 21 is rejected for similar reasons as stated above.

### ***Response to Arguments***

13. Applicant's arguments are considered moot in view of the new grounds of rejection presented above.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Joe Avellino", with a stylized flourish at the end.

Joseph E. Avellino, Examiner  
September 6, 2007